EXHIBIT A

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1622-CC11313 - SANDRA CALLANAN V GARDEN OF LIGHT INC (E-CASE)

Case Header | Parties & Attorneys | Docket Entries | Charges, Judgments & Sentences | Service Information | Filings Due | Scheduled Hearings & Trials | Civil Judgments | Garnishments/ Execution

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03/24/2017

Notice/Acknowledgement Issued
Document ID: 17-NASM-264, for GARDEN OF LIGHT INC.

Summons Issued-Reg/Cert Mail
Document ID: 17-SMCM-264, for GARDEN OF LIGHT INC.

03/16/2017

Motion Special Process Server
Request for Special Process Server.
Filed By: MATTHEW HALL ARMSTRONG
On Behalf Of: SANDRA CALLANAN

Note to Clerk eFiling
NOTE TO CLERK EFILING
Filed By: MATTHEW HALL ARMSTRONG

Summ Req-Circ Pers Serv O/S
REQUEST FOR ISSUANCE OF ALIAS SUMMONS TO PERSONALLY SERVE DEFENDANT
Filed By: MATTHEW HALL ARMSTRONG
On Behalf Of: SANDRA CALLANAN

11/30/2016

Jury Trial Scheduled
Scheduled For: 05/22/2017; 9:00 AM ; MICHAEL KELLAN MULLEN; City of St. Louis

11/16/2016

Notice/Acknowledgement Issued
Document ID: 16-NASM-395, for GARDEN OF LIGHT INC.

Summons Issued-Reg/Cert Mail
Document ID: 16-SMCM-395, for GARDEN OF LIGHT INC.

Filing Info Sheet eFiling
Filed By: MATTHEW HALL ARMSTRONG

Note to Clerk eFiling
Filed By: MATTHEW HALL ARMSTRONG

Pet Filed in Circuit Ct
Petition and Jury Demand; Notice of Appearance; Request for Summons Service by Mail.
Filed By: MATTHEW HALL ARMSTRONG
On Behalf Of: SANDRA CALLANAN

Judge Assigned

Case.net Version 5.13.15.1   Return to Top of Page   Released 01/19/2017

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

SANDRA CALLANAN, individually and on behalf of all other similarly-situated current citizens of Missouri,

Plaintiff,

v.

GARDEN OF LIGHT, INC.,

Defendant.

Serve by Mail:

GARDEN OF LIGHT, INC.
Michael Smulders RAGT
375 Park Avenue
East Hartford CT 06108

No. ___________________________

JURY DEMAND

CLASS ACTION PETITION

Plaintiff, Sandra Callanan, individually and on behalf of all other similarly-situated current citizens of Missouri, allege the following facts and claims upon personal knowledge, investigation of counsel, and information and belief.

CASE SUMMARY

1. This case arises out of Defendant Garden of Light, Inc.'s ("Defendant") deceptive, unfair, and false merchandising practices regarding its Bakery On Main branded granola products including Nutty Cranberry Maple Granola, Extreme Fruit & Nut Granola, Rainforest Banana Nut Granola, Apple Raisin Walnut Granola, Cranberry Orange Cashew Granola, Coconut Cacao Bunches of Crunches, Dark Chocolate Sea Salt Bunches of Crunches, Apple Pie Instant Oatmeal, Blueberry Scone Instant Oatmeal, Carrot Cake Instant Oatmeal, Maple Multigrain Muffin Instant Oatmeal, Strawberry Shortcake Instant Oatmeal, 4.4.8 Double

Chocolate Granola Bars, 4.4.8 Oats & Honey Granola Bars, 4.4.8 Peanut Butter & Chocolate Granola Bars, 4.4.8 Peanut Butter & Chocolate Granola Bars, Blueberry Cobbler Nut Crunch Snack, Chocolate Nut Crunch Snack, Chocolate Peppermint Nut Crunch Snack, Maple Vanilla Nut Crunch Snack, Original Nut Crunch Snack, Organic Happy Granola Sprouted Blueberry Flax, Organic Happy Granola Sprouted Grains & Honey, Organic Happy Granola Sprouted Maple Quinoa, Gluten Free Non-GMO Coconut Cashew Trüe Bars, Gluten Free Non-GMO Walnut Cappuccino Trüe Bars, Gluten Free Non-GMO Fruit & Nut Trüe Bars, Gluten Free Non-GMO Apricot Almond Chai Trüe Bars, Gluten Free Non-GMO Hazelnut Chocolate Cherry Trüe Bars, Gluten Free Non-GMO Raspberry Chocolate Almond Trüe Bars, Gluten Free Chocolate Almond Granola Bars, Gluten Free Cranberry Maple Granola Bars, Gluten Free Peanut Butter Chocolate Granola Bars, Gluten Free Apple Cinnamon Granola Bars, Peanut Butter & Jelly Granola Bars (the "Products").

2. On the labels of the Products, Defendant list Evaporated Cane Juice ("ECJ") as an ingredient. ECJ, however, is not juice at all—it is sugar in disguise. In May 2016, the FDA made clear that "the term 'evaporated cane juice' is false and misleading because it suggests that the sweetener is 'juice' or is made from 'juice' and does not reveal that its basic nature and characterizing properties are those of sugar." The FDA continued: "The term 'evaporated cane juice' is not the common or usual name of any type of sweetener" and "this ingredient should instead be declared on food labels as 'sugar.'"

3. By mislabeling sugar as ECJ, Defendant misleads consumers into thinking those Products have less sugar than they actually contain.

4. In addition, by claiming the Products contain ECJ, the labels of the Products create the false impression and have the tendency and capacity to mislead consumers (*see* 15

CSR 60-9.020) into believing that the Products contain less sugar than they actually contain. Moreover, the overall format and appearance of the labels of the Products have the tendency and capacity to mislead consumers (15 C.S.R. 60-9.030) because they create the false impression that the Products contain less sugar than they actually contain.

5. Plaintiff brings this case to recover damages for Defendant's false, deceptive, and misleading marketing and advertising in violation of the Missouri Merchandising Practices Act ("MMPA") and Missouri common law.

PARTIES

6. Plaintiff Sandra Callanan is a Missouri citizen and a resident of the City of St. Louis. On at least one occasion during the Class Period (as defined below), including in October or November 2016, Plaintiff purchased Defendant's Cranberry Orange Cashew Granola at Fields Foods for personal, family, or household purposes after reviewing the labels, which deceived her. If Plaintiff had known the Products contained sugar disguised as ECJ, she would not have purchased it or would have paid less for it. The purchase price of each Product was $6.59.

7. The labels of each of the Products—including those Plaintiff has not purchased—are substantially similar in that each lists ECJ as an ingredient. Accordingly, Plaintiff has standing to pursue claims relating to Products she did not actually purchase.

8. Defendant Garden of Light, Inc. is incorporated in Connecticut with its principal place of business located in East Hartford, Connecticut.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over this action because the amount in controversy exceeds the minimum jurisdictional limits of the Court.

10. Plaintiff believes and alleges that the total value of her individual claims is, at most, equal to the refund of the purchase price she paid for the Products, or $6.59 each.

11. Because the value of Plaintiff's claims is typical of all class members with respect to the value of the claim, the total damages of Plaintiff and Class Members, inclusive of costs and attorneys' fees is far less than the five million dollar ($5,000,000) minimum threshold to create federal court jurisdiction.

12. There is therefore no diversity or CAFA jurisdiction for this case.

13. Defendant cannot plausibly allege that it had sufficient sales of the Products in Missouri during the Class Period to establish an amount in controversy that exceeds CAFA's jurisdictional threshold.

14. This Court has personal jurisdiction over Defendant pursuant to Missouri Code § 506.500, because Defendant has had more than minimum contacts with the State of Missouri and has purposefully availed itself of the privilege of conducting business in this state. In addition, as explained below, Defendant has committed affirmative tortious acts within the State of Missouri that gives rise to civil liability, including distributing the fraudulent Products for sale throughout the State of Missouri. This Court has specific jurisdiction over Defendant.

15. Venue is proper in this forum pursuant to Missouri Code § 508.010 because Plaintiff is a resident of the City of St. Louis and the injury occurred in the City of St. Louis and because Defendant is not a resident of this State.

16. Plaintiff and Class Members do not seek to recover punitive damages or statutory penalties in this case.

ALLEGATIONS OF FACT

17. Defendant manufactures, sells, and distributes granola-based cereals and snack bars, including the Products.

18. Plaintiff is a consumer who is interested in purchasing foods that do not contain added sugar.

19. Knowing that consumers like Plaintiff are increasingly interested in purchasing products that do not contain added sugar, Defendant has sought to take advantage of this growing market by labeling certain products as containing ECJ instead of sugar.

20. By affixing such a label to the packaging of the Products, Defendant is able to entice consumers like Plaintiff to purchase its Products and to pay a premium for the Products and/or to purchase more of the Products than they otherwise would have had the truth be known.

21. The labels of the Products are deceptive, false, unfair, and misleading in that Defendant lists ECJ as an ingredient instead of sugar.

22. ECJ is not juice. It is sugar.

23. By calling added sugar "ECJ," Defendant misleads Plaintiff and reasonable consumers into believing that the Products contain less sugar then they actually do.

24. The FDA could not be more clear: "Sweeteners derived from sugar cane should not be listed in the ingredient declarations by names such as 'evaporated cane juice,' which suggests that the ingredients are made from or contain fruit or vegetable 'juice[.] We consider such representations to be false and misleading[.]"

25. As a result of Defendant's deceitful labels, Defendant was able to charge and Plaintiff and class members paid a premium for the Products.

26. The Products, moreover, were worth less than they were represented to be, and Plaintiff and Class Members paid extra for them due to the ECJ representation.

27. No reasonable consumer would know or should know when reviewing the Products' labels that ECJ is sugar.

28. Defendant's misrepresentations violate the MMPA's prohibition of the act, use, or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce. § 407.020, RSMo.

CLASS ALLEGATIONS

29. Pursuant to Missouri Rule of Civil Procedure 52.08 and § 407.025.2 of the MMPA, Plaintiff brings this action on her own behalf and on behalf of a proposed class of all other similarly situated persons ("Class Members" of the "Class") consisting of:

> All Missouri citizens who purchased Bakery On Main Nutty Cranberry Maple Granola, Extreme Fruit & Nut Granola, Rainforest Banana Nut Granola, Apple Raisin Walnut Granola, Cranberry Orange Cashew Granola, Coconut Cacao Bunches of Crunches, Dark Chocolate Sea Salt Bunches of Crunches, Apple Pie Instant Oatmeal, Blueberry Scone Instant Oatmeal, Carrot Cake Instant Oatmeal, Maple Multigrain Muffin Instant Oatmeal, Strawberry Shortcake Instant Oatmeal, 4.4.8 Double Chocolate Granola Bars, 4.4.8 Oats & Honey Granola Bars, 4.4.8 Peanut Butter & Chocolate Granola Bars, 4.4.8 Peanut Butter & Chocolate Granola Bars, Blueberry Cobbler Nut Crunch Snack, Chocolate Nut Crunch Snack, Chocolate Peppermint Nut Crunch Snack, Maple Vanilla Nut Crunch Snack, Original Nut Crunch Snack, Organic Happy Granola Sprouted Blueberry Flax, Organic Happy Granola Sprouted Grains & Honey, Organic Happy Granola Sprouted Maple Quinoa, Gluten Free Non-GMO

> Coconut Cashew Trüe Bars, Gluten Free Non-GMO Walnut Cappuccino Trüe Bars, Gluten Free Non-GMO Fruit & Nut Trüe Bars, Gluten Free Non-GMO Apricot Almond Chai Trüe Bars, Gluten Free Non-GMO Hazelnut Chocolate Cherry Trüe Bars, Gluten Free Non-GMO Raspberry Chocolate Almond Trüe Bars, Gluten Free Chocolate Almond Granola Bars, Gluten Free Cranberry Maple Granola Bars, Gluten Free Peanut Butter Chocolate Granola Bars, Gluten Free Apple Cinnamon Granola Bars, and/or Peanut Butter & Jelly Granola Bars for personal, household, or family purposes in the five years preceding the filing of this Petition (the "Class Period").

30. Excluded from the Class are: (a) federal, state, and/or local governments, including, but not limited to, their departments, agencies, divisions, bureaus, boards, sections, groups, counsels, and/or subdivisions; (b) any entity in which Defendant has a controlling interest, to include, but not limited to, their legal representative, heirs, and successors; (c) all persons who are presently in bankruptcy proceedings or who obtained a bankruptcy discharge in the last three years; and (d) any judicial officer in the lawsuit and/or persons within the third degree of consanguinity to such judge.

31. Upon information and belief, the Class consists of at least hundreds of purchasers. Accordingly, it would be impracticable to join all Class Members before the Court.

32. There are numerous and substantial questions of law or fact common to all of the members of the Class and which predominate over any individual issues. Included within the common question of law or fact are:

a. whether the representation that the Products contain ECJ instead of sugar is false, misleading, unfair, and deceptive;

b. whether Defendant violated the MMPA by selling the Products with false, misleading, and deceptive representations;

c. whether Defendant's acts constitute deceptive and fraudulent business acts and practices or deceptive, untrue, and misleading advertising;

d. whether Defendant was unjustly enriched; and

e. the proper measure of damages sustained by Plaintiff and Class Members.

33. The claims of the Plaintiff are typical of the claims of Class Members, in that they share the above-referenced facts and legal claims or questions with Class Members, there is a sufficient relationship between the damage to Plaintiff and Defendant's conduct affecting Class Members, and Plaintiff has no interests adverse to the interests other Class Members.

34. Plaintiff will fairly and adequately protect the interests of Class Members and have retained counsel experienced and competent in the prosecution of complex class actions including complex questions that arise in consumer protection litigation.

35. A class action is superior to other methods for the fair and efficient adjudication of this controversy, since individual joinder of all Class Members is impracticable and no other group method of adjudication of all claims asserted herein is more efficient and manageable for at least the following reasons:

a. the claim presented in this case predominates over any questions of law or fact, if any exists at all, affecting any individual member of the Class;

b. absent a Class, the Class Members will continue to suffer damage and Defendant's unlawful conduct will continue without remedy while Defendant profits from and enjoys its ill-gotten gains;

c. given the size of individual Class Members' claims, few, if any, Class Members could afford to or would seek legal redress individually for the wrongs Defendant committed against them, and absent Class Members have no substantial interest in individually controlling the prosecution of individual actions;

d. when the liability of Defendant has been adjudicated, claims of all Class Members can be administered efficiently and/or determined uniformly by the Court; and

e. this action presents no difficulty that would impede its management by the court as a class action, which is the best available means by which

Plaintiff and members of the Class can seek redress for the harm caused to them by Defendant.

36. Because Plaintiff seeks relief for the entire Class, the prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual member of the Class, which would establish incompatible standards of conduct for Defendant.

37. Further, bringing individual claims would overburden the Courts and be an inefficient method of resolving the dispute, which is the center of this litigation. Adjudications with respect to individual members of the Class would, as a practical matter, be dispositive of the interest of other members of the Class who are not parties to the adjudication and may impair or impede their ability to protect their interests. As a consequence, class treatment is a superior method for adjudication of the issues in this case.

38. Defendant has acted on grounds that apply generally to the Classes, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.

CLAIMS FOR RELIEF

COUNT I

Violation of Missouri's Merchandising Practices Act

39. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if fully set forth herein.

40. Missouri's Merchandising Practices Act (the "MMPA") prohibits the act, use, or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce § 407.020, RSMo.

41. Defendant's conduct in representing that certain of the Products contain ECJ when they in fact contain added sugar constitutes the act, use or employment of deception, fraud, false pretenses, false promises, misrepresentation, unfair practices and/or the concealment, suppression, or omission of any material facts in connection with the sale or advertisement of any merchandise in trade or commerce because Defendant misrepresents that the Products contain ECJ instead of sugar, thereby leading Plaintiff and reasonable consumers to believe that the Products contain less sugar than they actually do.

42. In addition, by claiming the Products contain ECJ instead of sugar, the labels of the Products create the false impression and have the tendency and capacity to mislead consumers (*see* 15 CSR 60-9.020) into believing that the Products contain less sugar than they actually contain. Moreover, the overall format and appearance of the labels of the Products have the tendency and capacity to mislead consumers (15 C.S.R. 60-9.030) because they create the false impression that the Products contain less sugar than they actually contain.

43. Neither Plaintiff nor any reasonable consumer when reviewing the ingredient lists of the Products would know nor should know that ECJ is actually sugar in disguise.

44. Because the Products contain added, disguised sugar, the Products as sold were worth less than the Products as represented, and Plaintiff and Class Members paid a premium for them. Had the truth be known, Plaintiff and Class Members would not have purchased the Products or would have paid less for them.

45. Plaintiff and Class Members purchased the Products for personal, family, or household purposes and thereby suffered an ascertainable loss as a result of Defendant's unlawful conduct as alleged herein, including the difference between the actual value of the product and the value of the product if it had been as represented.

46. Plaintiff also seeks to enjoin Defendant's ongoing deceptive practices relating to its claims on the Products' labels and advertising.

COUNT II

Unjust Enrichment

47. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as if fully set forth herein.

48. By purchasing the Products, Plaintiff and the class members conferred a benefit on Defendant in the form of the purchase price of the fraudulent Products.

49. Defendant appreciated the benefit because, were consumers not to purchase the Products, Defendant would have no sales and make no money.

50. Defendant's acceptance and retention of the benefit is inequitable and unjust because the benefit was obtained by Defendant's fraudulent and misleading representations about the Products.

51. Equity cannot in good conscience permit Defendant to be economically enriched for such actions at Plaintiff and Class Members' expense and in violation of Missouri law, and therefore restitution and/or disgorgement of such economic enrichment is required.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of all similarly situated persons, prays the Court:

a. grant certification of this case as a class action;

b. appoint Plaintiff as Class Representative and Plaintiff's counsel as Class Counsel;

c. award compensatory damages to Plaintiff and the proposed Class, or, alternatively, require Defendant to disgorge or pay restitution of its ill-gotten gains;

d. for an award of declaratory and equitable relief declaring Defendant's conduct to be in violation of MMPA and enjoining Defendant from continuing to engage in deceptive, unfair, and false marketing of the Product;

e. award pre- and post-judgment interest;

f. award reasonable and necessary attorneys' fees and costs; and

g. for all such other and further relief as may be just and proper.

Dated: November 16, 2016

Sandra Callanan, Individually, and on Behalf of a Class of Similarly Situated Individuals, Plaintiff

By: /s/ Matthew H. Armstrong

Matthew H. Armstrong (MoBar 42803)
ARMSTRONG LAW FIRM LLC
8816 Manchester Rd., No. 109
St. Louis MO 63144
Tel: 314-258-0212
Email: matt@mattarmstronglaw.com

Stuart L. Cochran (MoBar 68659)
COCHRAN LAW PLLC
12720 Hillcrest Rd., Ste. 1045
Dallas, TX 75230
(214) 300-1765
Email: scochran@scochranlaw.com

Attorneys for Plaintiff and the Putative Class

IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BRYAN L HETTENBACH	**Case Number: 1622-CC11313**	
Plaintiff/Petitioner: SANDRA CALLANAN vs.	Plaintiff's/Petitioner's Attorney/Address: MATTHEW HALL ARMSTRONG 8816 MANCHESTER RD SUITE 109 SAINT LOUIS, MO 63144	
Defendant/Respondent: GARDEN OF LIGHT INC	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons for Service by Registered or Certified Mail

The State of Missouri to: GARDEN OF LIGHT INC
Alias:

MICHAEL SMULDERS, RAGT
375 PARK AVENUE
EAST HARTFORD, CT 06108

COURT SEAL OF

CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner, or Plaintiff/Petitioner, if pro se, at the above address all within 30 days after the return registered or certified mail receipt signed by you has been filed in this cause. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in the petition.

NOVEMBER 16, 2016
Date Issued

THOMAS KLOEPPINGER
Clerk

Further Information:

Certificate of Mailing

I certify that on ______________________ (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent GARDEN OF LIGHT INC by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

______________________ Date

____

IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BRYAN L HETTENBACH	**Case Number:** 1622-CC11313	
Plaintiff/Petitioner: SANDRA CALLANAN **vs.**	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Defendant/Respondent: GARDEN OF LIGHT INC		
Nature of Suit: CC Other Tort		(Date File Stamp)

Notice and Acknowledgement for Service by Mail

(Circuit Division Cases)

Notice

To: GARDEN OF LIGHT INC

MICHAEL SMULDERS, RAGT
375 PARK AVENUE
EAST HARTFORD, CT 06108

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgement part of this form and return one copy of the completed form to the sender within thirty days of 16-NOV-2016.

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within thirty days, you or the party on whose behalf you are being served may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

If you do complete and return this form, you or the party on whose behalf you are being served must answer the petition within thirty days of the date you sign in acknowledgment below. If you fail to do so, judgment by default may be taken against you for the relief demanded in the petition.

I declare, under penalty of perjury, that this notice was mailed on 16-NOV-2016.

____
Signature

Acknowledgment of Receipt of Summons and Petition

I declare, under penalty of filing a false affidavit, that I received a copy of the Summons and of the Petition in the above captioned matter.

_______________ Date

_______________________________ Signature

____
Relationship to Entity/Authority to receive service of process

Electronically Filed - City of St. Louis - March 16, 2017 - 05:32 PM

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

SANDRA CALLANAN, individually and on behalf of all other similarly-situated current citizens of Missouri,	)	
Plaintiff,	)	No. 1622-CC11313
v.	)	Div. 1
GARDEN OF LIGHT, INC.,	)	
Defendant.	)	

REQUEST FOR ISSUANCE OF ALIAS SUMMONS
TO PERSONALLY SERVE DEFENDANT

Pursuant to Missouri Rules of Civil Procedure, Plaintiff by and through undersigned attorney, pursuant to Missouri Rules of Civil Procedure 54.06 and 54.14, hereby requests that the Clerk of Court issue an alias summons for personal service to be personally served upon Defendant in the above-referenced cause as follows:

1. Plaintiff request the alias summons be issued for:

   Defendant: GARDEN OF LIGHT, INC.
   Serve: Michael Smulders RAGT
   375 Park Avenue
   East Hartford CT 06108

2. Plaintiff filed this action on November 16, 2016, and requested service by mail pursuant to Missouri Rules 54.06 and 54.14.

3. Plaintiff placed the service papers in an envelope and sent the by UPS to defendant at the address set forth above on November 16, 2016.

4. Defendant took delivery of the papers on November 22, 2016.

5. Defendant has failed to respond within 30 days as required by the Rule.

6. Plaintiff complied with all the requirements of Rule 54.16.

Electronically Filed - City of St. Louis - March 16, 2017 - 05:32 PM

7. In order to get proper service of process, Plaintiff must now personally serve Defendant.

WHEREFORE, Plaintiff respectfully requests that the Clerk issue an alias summons for personal service to the office of counsel for Plaintiff referenced below.

Dated: March 16, 2017 Respectfully submitted,

By: /s/ Matthew H. Armstrong
Matthew H. Armstrong, MoBar 42803
ARMSTRONG LAW FIRM LLC
8816 Manchester Rd., No. 109
St. Louis MO 63144
Tel: 314-258-0212
Email: matt@mattarmstronglaw.com
One of the Attorneys for Plaintiff

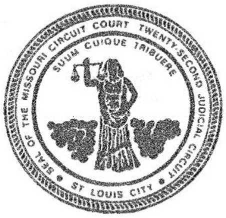
CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served upon all parties of record in this cause enrolled in the Missouri E-filing System by electronic service on March 16, 2017.

/s/ Matthew H. Armstrong

Electronically Filed - City of St. Louis - March 16, 2017 - 05:33 PM

In the
CIRCUIT COURT
City of St. Louis, Missouri


SEAL OF THE MISSOURI CIRCUIT COURT TWENTY-SECOND JUDICIAL CIRCUIT
SUUM CUIQUE TRIBUERE
ST LOUIS CITY

For File Stamp Only

Sandra Callanan
Plaintiff/Petitioner

vs.

Garden of Light, Inc.
Defendant/Respondent

03-16-2017
Date

1622-CC11313
Case number

1
Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff Sandra Callanan (Requesting Party), pursuant to Local Rule 14, requests the appointment by the Circuit Clerk of

Name of Process Server	Address	Telephone
McDowell & Associates	1031 Lami, St. Louis MO 63104	314-621-9300

to serve the summons and petition in this cause on the below named parties.

SERVE:
Name: Garden of Light, Inc. c/o Michael Smulders
Address: 375 Park Avenue
City/State/Zip: East Hartford CT 06108

SERVE:
Name:
Address:
City/State/Zip:

SERVE:
Name:
Address:
City/State/Zip:

SERVE:
Name:
Address:
City/State/Zip:

Appointed as requested:
TOM KLOEPPINGER, Circuit Clerk

By ________________________________
Deputy Clerk

____
Date

Matthew H. Armstrong
Attorney/Plaintiff/Petitioner

42803
Bar No.

8816 Manchester Rd. No. 109, 63144
Address

314-258-0212
Phone No.

Electronically Filed - City of St. Louis - March 16, 2017 - 05:33 PM

RULE 14 SPECIAL PROCESS SERVERS

1. Any person appointed by the Court or the Circuit Clerk to serve process must have a license issued pursuant to this rule to serve process.

2. Licenses to serve process shall be issued by the Sheriff of the City of St. Louis if the applicant has met the following qualifications:

   a. Is twenty-one years of age or older;

   b. Has a high school diploma or an equivalent level of education;

   c. Has insurance coverage for any errors or omissions occurring in the service of process;

   d. Has not been convicted, pleaded guilty to or been found guilty of any felony, or of any misdemeanor involving moral turpitude; and,

   e. Has passed a training course for the service of process which shall be administered by the Sheriff of the City of St. Louis.

3. Each applicant for a process server license under the provisions of this rule shall provide an affidavit setting forth such person's legal name, current address, any other occupations and current telephone numbers. Licensed process servers shall immediately notify the Sheriff of the City of St. Louis of any change in the above information, and the failure to do so shall constitute good cause for the revocation of such person's license.

4. The Sheriff of the City of St. Louis shall maintain a list of persons licensed to serve process pursuant to this rule, and shall make such list available to litigants upon request.

5. A photo identification card designed by the Sheriff of the City of St. Louis shall be issued in addition to the license. No other identification will be allowed. All licenses must be signed and approved by the Sheriff of the City of St. Louis and the Presiding Judge or his designee.

6. A license fee recommended by the Sheriff and approved by the Court En Banc shall be charged to cover the costs of compiling and maintaining the list of process servers and for the training of such process servers. The license fees shall be made payable to the Sheriff of the City of St. Louis.

Electronically Filed - City of St. Louis - March 16, 2017 - 05:33 PM

7. A license for service of process issued under this rule may be revoked by the Sheriff with the approval of the Presiding Judge or his designee, for any of the following reasons:

   a. Misrepresentation of duty or authority;

   b. Conviction, guilty plea or finding of guilty of any state or federal felony, or a misdemeanor involving moral turpitude;

   c. Improper use of the license;

   d. Making a false return; or

   e. Any other good cause.

   Provided, no service of process made by an appointed process server with a revoked license shall be void if the Court or Circuit Clerk made the appointment in good faith without knowledge of the license revocation.

8. Any person authorized to serve process may carry a concealed firearm as allowed by Section 506.145, RSMo, only while actually engaged in the service of process and only if the person has passed a firearms qualification test approved by a law enforcement agency; provided, however, that any licensed special process server may file a written waiver of the right to carry a concealed firearm and thereby avoid the requirements of firearm training and testing. Any violation of this section shall be considered beyond the scope of the privilege to carry a concealed weapon that is granted by the appointment, and shall constitute good cause for the revocation of the license.

9. Applications for the appointment of a special process server shall be made on forms available in the offices of the Sheriff and Circuit Clerk. Orders Appointing special process servers may list more than one licensed server as alternatives.

10. The licenses granted pursuant to this rule shall be good for two years. Each person granted a license shall be required to reapply at the expiration of the license and shall be required to provide all the information required in the initial application, including a current police record check.

(Approved 9/28/92; amended 11/23/92; 5/31/95; 12/17/07)

IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	**Case Number: 1622-CC11313**	
Plaintiff/Petitioner: SANDRA CALLANAN **vs.**	Plaintiff's/Petitioner's Attorney/Address: MATTHEW HALL ARMSTRONG 8816 MANCHESTER RD SUITE 109 SAINT LOUIS, MO 63144	
Defendant/Respondent: GARDEN OF LIGHT INC	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons for Service by Registered or Certified Mail

The State of Missouri to: GARDEN OF LIGHT INC
Alias:

MICHAEL SMULDERS, RAGT
375 PARK AVENUE
EAST HARTFORD, CT 06108

COURT SEAL OF

CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner, or Plaintiff/Petitioner, if pro se, at the above address all within 30 days after the return registered or certified mail receipt signed by you has been filed in this cause. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in the petition.

MARCH 24, 2017
Date Issued

THOMAS KLOEPPINGER
Clerk

Further Information:

Certificate of Mailing

I certify that on ___________________________ (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent GARDEN OF LIGHT INC by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

_________________________________ Date

____

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Defendant/Respondent: GARDEN OF LIGHT INC		
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Notice and Acknowledgement for Service by Mail

(Circuit Division Cases)

Notice

To: GARDEN OF LIGHT INC

MICHAEL SMULDERS, RAGT
375 PARK AVENUE
EAST HARTFORD, CT 06108

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgement part of this form and return one copy of the completed form to the sender within thirty days of 24-MAR-2017.

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within thirty days, you or the party on whose behalf you are being served may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

If you do complete and return this form, you or the party on whose behalf you are being served must answer the petition within thirty days of the date you sign in acknowledgment below. If you fail to do so, judgment by default may be taken against you for the relief demanded in the petition.

I declare, under penalty of perjury, that this notice was mailed on 24-MAR-2017.

____
Signature

Acknowledgment of Receipt of Summons and Petition

I declare, under penalty of filing a false affidavit, that I received a copy of the Summons and of the Petition in the above captioned matter.

______________________ ______________________________
Date Signature

____
Relationship to Entity/Authority to receive service of process